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7 *Attorney for Plaintiff*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ALBERT MCCANDLESS, individually,

11 Plaintiff,

12 vs.

13 CLEAR CHANNEL OUTDOOR, LLC., and/or
14 INC., a foreign business entity, DOE
15 BILLBOARD INSTALLER, I - X, a Nevada
16 Business entity that installed the subject billboard,
17 inclusive; and ROE CORPORATIONS I - X,
18 inclusive

19 Defendants.

CASE NO.: 24-cv-02142-APG-MDC

STIPULATION AND ORDER FOR
FRCP RULE 35
NEUROPSYCHOLOGICAL
EXAMINATION OF PLAINTIFF

20 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff ALBERT
21 MCCANDLESS, by and through his counsel of record, Justin L. Wilson, Esq., of JONES WILSON
22 LLP and Defendants CLEAR CHANNEL OUTDOOR, LLC., by and through their counsel of record,
23 Jeremy R. Alberts, Esq. and Daniela LaBounty, Esq. of the law firm WEINBERG, WHEELER,
24 HUDGINS, GUNN & DIAL, LLC that the FRCP Rule 35 Neuropsychological Examination of
25 Plaintiff by Defendant's retained expert, Thomas Kinsora, Ph.D., to be held on NOVEMBER 20,
26 2025, at 8:45 a.m., in the above-entitled action. It is hereby stipulated by the parties as follows:

27 1. The examination shall be held on November 20, 2025, at 8:45 a.m. Dr. Kinsora
28

1 requests that the Plaintiff arrive by 8:30 a.m.

2 2. The examination is scheduled to last from 8:45 to 11:45, there will be a half hour
3 lunch, and then examination and testing will resume from 12:15 to 2:15pm. This is to allow
4 sufficient time for an interview, cognitive testing, and psychological testing. This time also
5 contemplates two ten-minute breaks, one in the morning session and one in the afternoon session.
6 Plaintiff may choose to forego the thirty-minute lunch break and continue the examination and
7 testing.
8

9 3. Dr. Kinsora will use his best efforts to get Plaintiff into the examination in a
10 timely manner, and shall not be required to wait longer than fifteen (15) minutes beyond the
11 scheduled 8:45 a.m. start time;

12 4. Dr. Kinsora was specifically retained by Defendant and is being paid by Defendant to
13 perform the examination;
14

15 5. Dr. Kinsora will not ask any liability questions and will limit his inquiries in this
16 regard to a general description of how the injury occurred;

17 6. The parties agree that the Defendant will not refer or imply that Dr. Kinsora is acting
18 in this case in any capacity other than as a retained defense expert and that all his work in this case
19 was performed pursuant to his function as a retained defense expert. Thus, the Defendant will not
20 refer, state, or imply that he is an independent medical examiner, that he was court appointed, or that
21 the Plaintiff (nor his attorneys) agreed to Dr. Kinsora, that he is a treating provider, or make any
22 other similar arguments or statements.
23

24 7. The neuropsychological examination will not include any invasive procedures
25 (including injections, medication, x-rays, MRI's, or similar procedures). The examination will
26 include an interview, cognitive testing, and psychological testing. The testing will consist of
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1 standardized tests that are conventionally administered by neuropsychologists. Dr. Kinsora will use
2 his best clinical judgment to determine which battery of tests are appropriate. Dr. Kinsora will
3 determine which neuropsychological tests he chooses to administer.

4 8. Plaintiff will not be asked to sign any paperwork, and any paperwork required to be
5 completed by Plaintiff will be forwarded to Plaintiff's counsel by November 5, 2025. Plaintiff will
6 complete an intake form and return it electronically by November 13, 2025. The form requires Plaintiff
7 to acknowledge the testing that will be completed and to abstain from the use of any alcohol, cannabis
8 products, or recreational drugs for at least ten days prior to the examination. The intake form also
9 requires Plaintiff to acknowledge that the recording, electronic monitoring, and taking notes during
10 the testing is forbidden, as the tests are proprietary and the security of such tests must be protected.

12 9. No attorney or other representative of the defendant will attend the examination.
13 However, Plaintiff reserves the right to be accompanied by another person to the examination to the
14 extent allowed by FRCP 35. Accordingly, any person accompanying Plaintiff may not be present
15 during or observe the testing, but may wait in the waiting room for Plaintiff. Plaintiff may have
16 Certified Nurse Observer present during the interview portion of the exam, but not during any testing.

18 10. Dr. Kinsora may ask questions about Plaintiff's prior psychosocial medical history, as
19 well as questions regarding his current symptoms, treatments, and complaints, as part of the
20 examination.

21 11. Defendant shall forward a copy of the examination report to Plaintiff's counsel within sixty
22 (60) days of the examination or by the date of the initial expert disclosure, whichever is earlier.

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12. The doctor will retain all handwritten notes, e-mails sent and received, and all documents generated or received, including draft reports, related to the examination; and the doctor will produce a copy of his entire file upon request by plaintiff's counsel, including any test materials/raw data, to the extent permitted by FRCP 26(b)(4).

Dated this _____ day of November, 2025. Dated this _____ day of November, 2025.

JONES WILSON LLP

WEINBERG, WHEELER, HUDGINS, GUNN &
DIAL, LLC

By /s/ Justin L. Wilson, Esq.

By /s/ Daniela LaBounty, Esq.

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ORDER

IT IS HEREBY ORDERED THAT the stipulation to hold Plaintiff's NRCP Rule 35 Medical Examination on November 20, 2025 is here by GRANTED.

Dated 11/7/2025.

United States Magistrate Judge

Submitted by:
JONES WILSON LLP

By /s/ Justin L. Wilson, Esq.

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